

Remarks

In the Office Action of February 1, 2005, the Examiner withdrew the prior rejection under 35 U.S.C. § 101. The Examiner withdrew the prior rejection based on prior art, but asserted a new basis, obviousness under 35 U.S.C. § 103(a) in view of U.S. Patent 6,123,259 to Ogasawara (the Ogasawara Patent).

In response to the new rejection the Applicant has modified the independent claims and they are allowable over the Ogasawara patent for the following reasons:

The independent claims (1 and 9) are directed to a method (1) and a system (9) that enhance a visitor's experience to a public space. They do so by permitting a user to denote, while in the space, items of particular interest, and then providing access to that denoted information plus additional information after the user leaves the space. That is, the claimed combinations allow the visitor to create a record of items of interest, leave the public space without the list, and retrieve information about the items in the record after leaving the space. Thus the claims are focused on supplementary and/or continuing the experience of the public space after leaving the space.

Ogasawara, by contrast, is directed to making the experience, in the public space more efficient while the user is in the public space. Ogasawara discloses a capability of uploading shopping lists to the store environment, either while at the store or remotely. But there is nothing that suggests information flow in the opposite direction. More specifically, Ogasawara does not disclose that the user has any remote access to specific information about items denoted by their selection within the store environment.

Admittedly the patent discloses that the store system can compile information based on a shopper's selections while within the store. Ogasawara does not, however, disclose that the information regarding the selections is accessible to the shopper when outside the store and it does not disclose making additional information about the items available to the visitor outside the space either. Ogasawara concerns itself with the flow of information (shopping list) into the store and a collection of information about events within the store for use within the store. The pending claims deal with using a collection of information about events within the public space to form the basis for a flow of information outside of the public space for use outside the public space.

It is respectfully submitted that hindsight must be applied to find that there is any motivation in this single piece of art to reverse the flow of information and data and focus on what information can be provided to the visitor when outside the space rather than focusing on sending data from the visitor to the public space to assist the public space as in Ogasawara.

In view of the differences, it is respectfully submitted that independent claims 1 and 9 and their respective dependent claims are not obvious in view of Ogasawara. The outstanding rejection should be withdrawn and the Examiner is requested to issue a Notice of Allowance.

Conclusion

All of the stated grounds of rejection have been properly traversed or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition


for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

COOLEY GODWARD LLP

Date: August 1, 2005

By: 
Frank Pietrantonio
Reg. No. 32,289

COOLEY GODWARD LLP
11951 Freedom Drive
Reston, Virginia 20190-5656
(703) 456-8000 – Phone
(703) 456-8100 – Facsimile